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Date: (Filing No. H-)

ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 894, L.D. 1219, “Resolve, To Facilitate the Modernization and Streamlining of the Utility Pole Attachment Process”

Amend the resolve by striking out all of section 1 and inserting the following:

'Sec. 1. Public Utilities Commission; stakeholder group. Resolved: That, within existing resources, the Public Utilities Commission shall convene a stakeholder group to develop recommendations for the implementation of 3rd-party administration of utility pole attachment joint use under the Maine Revised Statutes, Title 35-A, section 711, which must include, but are not limited to:

- 1. A framework for ensuring that 3rd-party administrators are not joint use entities or utility pole owners in the State, do not own and are not affiliates of a joint use entity or utility pole owner and do not have an existing contractual relationship with a joint use entity or utility pole owner. The framework must prohibit a board member or executive officer of a joint use entity or utility pole owner in the State, an affiliate of a joint use entity or utility pole owner or an entity with an existing contractual relationship with a joint use entity or utility pole owner from serving as a 3rd-party administrator or as a board member, executive officer or employee of a 3rd-party administrator;
- 2. A framework for divesting providers of retail telecommunications services of all ownership interest in utility poles; and
- 3. A framework for performance-based regulation of utility pole ownership and the administration of utility pole attachment joint use.

In developing the recommendations described in this section and any other stakeholder group recommendations, the commission shall to the greatest extent practicable ensure that the recommendations reflect consensus among the stakeholder group members.

As used in this section, "joint use entity" has the same meaning as in Title 35-A, section 711, subsection 7, paragraph B and "affiliate" has the same meaning as in 47 United States Code, Section 153(2).'

COMMITTEE AMENDMENT

1 Amend the resolve by relettering or renumbering any nonconsecutive Part letter or
2 section number to read consecutively.

3 **SUMMARY**

4 This amendment provides that the framework to be developed under the resolve for
5 implementation of 3rd-party administration of utility pole attachment joint use must
6 prohibit as a 3rd-party administrator a joint use entity or utility pole owner in the State, an
7 owner or affiliate of a joint use entity or utility pole owner and an entity with an existing
8 contractual relationship with a joint use entity or utility pole owner. It also provides that
9 the framework must prohibit a board member or executive officer of a joint use entity or
10 utility pole owner in the State, an affiliate of a joint use entity or utility pole owner or an
11 entity with an existing contractual relationship with a joint use entity or utility pole owner
12 from serving as a 3rd-party administrator or as a board member, executive officer or
13 employee of a 3rd-party administrator.

14 **FISCAL NOTE REQUIRED**

15 **(See attached)**